

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

REBECCA A. PETERSON

ROBERT K. SHELQUIST

100 Washington Avenue South, Suite 2200

Minneapolis, MN 55401

Telephone: (612) 339-6900

Facsimile: (612) 339-0981

E-mail: rkshelquist@locklaw.com

rapeterson@locklaw.com

Additional Counsel Listed on Signature Page

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In Re Plum Baby Food Litigation,

This document relates to: All Actions.

Case No. 4:21-cv-00913-YGR

**NOTICE OF RELATED CASE UNDER
CIVIL L.R. 3-12; STIPULATION AND
~~[PROPOSED]~~ ORDER TO RELATE
UNDER CIVIL L.R. 7-11 AND TO
CONSOLIDATE UNDER FED. R. CIV.
P. 42(a)**

Hon. Yvonne Gonzalez Rogers

WHEREAS, Civil L.R. 3-12 requires that whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, said party “must promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should Be Related, pursuant to Civil L.R. 7-11”;

WHEREAS, pursuant to the Consolidation Order entered by this Court on May 3, 2021 in this matter (the “Consolidated Action”), “[a]ny action subsequently filed, transferred or removed to this Court that the Court determines arises out of the same or similar operative facts as the

1 Consolidated Action will be, with the Court's approval, consolidated with the Consolidated
2 Action for pre-trial purposes," Dkt. No. 59;

3 WHEREAS, on June 22, 2022, Hon. R. Gary Klausner entered an order in *Cullors, et al.*
4 *v. Beech-Nut Nutrition Company, et al.*, No: 2:22-cv-02324-RGK-E (C.D. Cal.) (the "Transfer
5 Order"), severing and transferring claims against numerous baby food manufacturers, including
6 Plum, PBC ("Defendant"), to districts where earlier-filed actions asserting substantially the same
7 claims against the same defendants were already pending;

9 WHEREAS, on June 27, 2022, the claims against Defendant asserted in *Cullors* were
10 transferred to this District, where the action was assigned a new docket number, No: 3:22-cv-
11 03778-VC (N.D. Cal.) (the "Cullors Action"), and randomly assigned to Hon. Vince Chhabria;

13 WHEREAS, the claims in the Consolidated Action and Cullors Action (the "Actions")
14 arise out of the same set of operative facts concerning the presence of heavy metals and other
15 contaminants in Defendant's baby food products, assert similar legal claims and theories, involve
16 the same parties, and will involve substantially the same discovery;

18 WHEREAS, given the substantial similarity between the Actions, it appears likely that
19 there will be an unduly burdensome duplication of labor and expense or conflicting results if the
20 cases are conducted before different Judges;

22 WHEREAS, Interim Co-Lead Class Counsel in the Consolidated Action, plaintiffs'
23 counsel in the Cullors Action, and counsel for Defendant have met and conferred, and all agree
24 that it is appropriate to relate the Actions under Civil L.R. 3-12 and 7-11 and consolidating them
25 under Fed. R. Civ. P. 42(a);

1 WHEREAS, Defendant consents to consolidation but preserves all defenses and
 2 arguments and all parties stipulate that the fact of stipulation will not be used as grounds against
 3 any such reserved defenses and arguments;

4 WHEREAS, consolidation under Rule 42(a) will eliminate duplicative discovery and the
 5 possibility of inconsistent rulings on class certification, *Daubert* motions, and other pretrial
 6 matters, and conserve judicial and party resources;

7 WHEREAS, this Court previously entered orders relating and consolidating substantially
 8 similar later-filed actions on stipulation of the parties, *see, e.g.*, Dkt. Nos. 33, 46, 77, 87;

9 **NOW THEREFORE**, the parties through their respective counsel and subject to the
 10 Court's approval hereby stipulate that:

- 11 1. The Cullors Action (3:22-cv-03778) is hereby administratively related to the first-filed
 12 case in this Consolidated Action, which is *Gulkarov v. Plum, Inc., et al.*, No. 4:21-
 13 cv-913, under Civil L.R. 3-12 and 7-11;
- 14 2. Further, the Cullors Action is hereby consolidated with the Consolidated Action under
 15 Fed. R. Civ. P. 42(a);
- 16 3. The deadlines and procedures applicable to the Consolidated Action apply in
 17 accordance with the Consolidation Order (Dkt. No. 59) and this Court's August 6,
 18 2021 Order setting filing deadlines (Dkt. No. 81);
- 19 4. All objections, defenses, and arguments that any and all Parties may have related to
 20 the continued pendency of the Cullors Action are preserved; and
- 21 5. All further papers shall be filed in the Consolidated Action.
- 22 6. **Like the Consolidated Action, this action is administratively closed.**

STIPULATED TO AND DATED this 27th day of July, 2022.

**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**

By: s/ Rebecca A. Peterson
REBECCA A. PETERSON
ROBERT K. SHELQUIST
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
E-mail: rkshelquist@locklaw.com
rapeterson@locklaw.com

**LITE DEPALMA GREENBERG &
AFANADOR, LLC**

SUSANA CRUZ HODGE (*pro hac vice*)
JOSEPH J. DEPALMA (*pro hac vice*)
570 Broad Street, Suite 1201
Newark, NJ 07102
Telephone: (973) 623-3000
E-mail: jdepalma@litedepalma.com
scrushodge@litedepalma.com

Plaintiffs' Interim Co-Lead Class Counsel

**BEVERLY HILLS TRIAL ATTORNEYS,
P.C.**

By: s/ Azar Mouzari
AZAR MOUZARI
NILOFAR NOURI
468 N. Camden Drive Suite 238
Beverly Hills, CA 90210
310-858-5567
azar@bhtrialattorneys.com
nilofar@bhtrialattorneys.com

Counsel for Plaintiffs in the Cullors Action
PERKINS COIE LLP

By: s/ David T. Biderman
DAVID T. BIDERMAN
505 Howard Street, Suite 1000
San Francisco, CA 94105
(415) 344-7000
dbiderman@perkinscoie.com

CHARLES SIPOS
LAUREN TSUJI
CARRIE AKINAKA
1201 Third Avenue Suite 4900
Seattle, WA 98101-3099
(206) 359-3983
csipos@perkinscoie.com
ltsuji@perkinscoie.com
cakinaka@perkinscoie.com

DECHERT LLP

HOPE S. FREIWALD
MICHELLE H. YEARY
2929 Arch Street
Philadelphia, PA 19104-2808
215-994-2514
hope.freiwald@dechert.com
michelle.yeary@dechert.com

MARK S. CHEFFO
1095 Avenue of the Americas
New York, NY 10036-6797
212-698-3814
mark.cheffo@dechert.com

*Attorneys for Defendants Plum, PBC and
Campbell Soup Company*

Dated: July 28, 2022

PURSUANT TO STIPULATION, IT IS SO ORDERED.


Yvonne Gonzalez Rogers, U.S.D.J.